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CASE G-33302P1

## FILING BY "EXPRESS MAIL" UNDER 37 CFR 1.10

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF  
NANDI ET AL.

APPLICATION NO: 10/631,874

FILED: JULY 31, 2003

FOR: FEXOFENADINE COMPOSITION AND PROCESS FOR  
PREPARINGCommissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450PETITION UNDER 37CFR §1.705(b) FOR PATENT TERM ADJUSTMENT

Sir:

Applicants hereby respectfully petition under 37CFR §1.705(b) for 122 day patent term adjustment for the above-identified patent application. This patent application is not subject to a terminal disclaimer. The patent term adjustment is requested due to the following relevant dates and circumstances:

1. On March 24, 2004, a non-final Office Action in the above-identified application was mailed to Applicants.

2. On June 24, 2004, Applicants filed a response to the non-final Office Action dated March 24, 2004.

3. Applicants' response to the non-final Office Action was received by the PTO on June 24, 2004, as verified by Applicants' postcard dated June 24, 2004.

4. A Notice of Abandonment in the above-identified application was mailed to Applicants on October 26, 2004 due to administrative oversight by the PTO.

5. On December 9, 2004, a Notice of Rescinded Abandonment in the above-identified application was mailed to Applicants.

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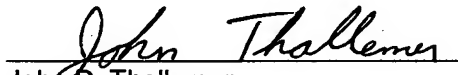
6. A Notice of Allowance was mailed to Applicants in the above-identified application on February 23, 2005.

In view of the foregoing, Applicants request a Patent Term Adjustment of 122 days due to examination delay. The period of adjustment under 37 CFR §1.703(a)(2), is the number of days in the period beginning on the day after the date that is four months after the date a reply under 37 CFR §1.111 was filed and ending on the date of mailing of a notice of allowance under 35 U.S.C. 151. Therefore, since Applicants' date of reply was June 24, 2004, the day after the date that is four months from Applicants reply is October 25, 2004. The date of the Notice of Allowance is February 23, 2005. Thus, Applicants are entitled to 122 days which is the number of days from October 25, 2004 to February 23, 2005.

Please charge \$200.00 to Deposit Account No. 19-0134 in the name of Novartis Corporation, this amount being the fee required by 37 CFR §1.18(e) for filing an application for patent term adjustment under 37 CFR §1.705. Two additional copies of this petition are enclosed herewith.

Respectfully submitted,

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Date: April 13, 2005